

Introduced by Senator Ducheny

February 14, 2006

An act to add Chapter 9 (commencing with Section 39950) to Part 2 of Division 26 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1286, as introduced, Ducheny. Calexico-Mexicali Air Basin: binational air quality.

(1) Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources.

This bill would, upon the execution of a memorandum of understanding between any state agency, the County of Imperial, the State of Baja California and the City of Mexicali that establishes a binational council to address air quality issues in the Calexico-Mexicali Air Basin, specify the membership of the California delegation to the binational council. The bill would require the binational council's meetings to be open to the public and require the binational council to perform specified functions, including, but not limited to, identifying and recommending to the state and local governments of both California and Baja California strategies and actions that could be taken to improve air quality within the Calexico-Mexicali Air Basin. The bill would also require the binational council to establish certain basinwide goals.

Because this bill would require local agencies to perform specified functions, this bill would create a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Chapter 9 (commencing with Section 39950) is added to Part 2 of Division 26 of the Health and Safety Code, to read:

CHAPTER 9. BINATIONAL AIR POLLUTION

39950. (a) Upon the execution of a memorandum of understanding between any state agency, the County of Imperial, the State of Baja California and the City of Mexicali that establishes a binational council to address air quality issues in the Calexico-Mexicali Air Basin, all of the following shall apply:

(1) The membership of the California representatives shall be as follows:

(A) The chairperson of the state board.

(B) The Imperial County Public Health Officer.

(C) The Imperial County Air Pollution Control Officer.

(D) One member of the Imperial County Board of Supervisors, as designated by the board.

(E) Three public members appointed by the Imperial County Board of Supervisors.

(2) The chairperson of the state board shall serve as the chair of the California delegation to the binational council.

(3) The Secretary for Environmental Protection and the Secretary for the United States Environmental Protection Agency shall be invited to participate as nonvoting, ex officio members of the council.

(4) The council's meetings shall be open to the public.

1 (b) In case of conflict between this section and the MOU, the
2 provisions of this section shall apply.

3 39951. (a) The binational council may sponsor conferences,
4 symposiums, and other public forums, to seek a broad range of
5 public advice when establishing priorities for addressing air
6 quality issues within the California-Mexico border region.

7 (b) The council shall do all of the following:

8 (1) Assist in the coordination of activities by state and local
9 agencies on both sides of the border between California and
10 Mexico, relating to the protection and regulation of air quality.

11 (2) Establish policies to coordinate the collection and sharing
12 of scientific data related to air pollution and air quality protection
13 measures.

14 (3) Identify and recommend to the state and local governments
15 of both California and Baja California changes in law needed to
16 achieve the goals of this chapter.

17 (4) Identify and recommend to the state and local governments
18 of both California and Baja California strategies and actions that
19 could be taken to improve air quality within the
20 Calexico-Mexicali Air Basin.

21 (5) Identify changes in federal law and policy of both the
22 United States and Mexico that are necessary to achieve the goals
23 of this chapter and to improve air quality within the
24 Calexico-Mexicali Air Basin.

25 39952. The binational council shall, pursuant to specific
26 processes and parameters established in the MOU that establishes
27 the binational council, establish basin-wide goals to assist the
28 state governments, local governments, and regulatory bodies of
29 the border region to do all of the following:

30 (a) Achieve ambient air quality standards for the
31 Calexico-Mexicali Air Basin.

32 (b) Monitor ambient air pollutant concentrations in the
33 Calexico-Mexicali Air Basin.

34 (c) Develop and maintain a valid emissions inventory for the
35 Calexico-Mexicali Air Basin, updated and disaggregated as
36 practicable.

37 (d) Conduct basin-wide air quality modeling to identify
38 appropriate control strategies for attainment of ambient air
39 quality standards.

1 (e) Develop health parameters and monitor health status of
2 residents to track the incidence of adverse health effects of
3 populations within the border region.

4 (f) Establish instruments to promote and achieve voluntary
5 compliance and emission reductions.

6 (g) Promote partnerships between and among industry and
7 regulatory authorities on both sides of the border to pursue
8 economic incentives according to each country's laws.

9 (h) Investigate opportunities for pursuing, and seek
10 authorization from respective state and federal governments to
11 pursue, strategies such as intranational and international emission
12 trading that facilitates the achievement of environmental and
13 public health goals.

14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 a local agency or school district has the authority to levy service
17 charges, fees, or assessments sufficient to pay for the program or
18 level of service mandated by this act, within the meaning of
19 Section 17556 of the Government Code.